

# Exhibit 7

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 AUSTIN FENNER and IKIMULISA  
5 LIVINGSTON,

6 Plaintiffs,

vs.

09CIV9832

(BSJ(RLE))

7 NEWS CORPORATION, NYP HOLDINGS,  
8 INC., d/b/a THE NEW YORK POST,  
9 and DAN GREENFIELD and MICHELLE  
10 GOTTHELF,

Defendants.

11 -----  
12 SANDRA GUZMAN,

13 Plaintiff,

14 vs.

09CIV9323

(BSJ(RLE))

15 NEWS CORPORATION, NYP HOLDINGS,  
16 INC., d/b/a THE NEW YORK POST,  
and COL ALLAN, in his official  
and individual capacities,

Defendants.

17 -----  
18 DEPOSITION OF JOE ROBINOWITZ

19 New York, New York

20 June 14, 2012

21 Reported by:

22 MARY F. BOWMAN, RPR, CRR

23 JOB NO. 50552  
24  
25

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<p>1 ROBINOWITZ</p> <p>2 Q. And the contents in this document</p> <p>3 are accurate, correct?</p> <p>4 MS. LOVINGER: Objection.</p> <p>5 A. Yes.</p> <p>6 Q. I am sorry?</p> <p>7 A. They broadly reflect my appraisal</p> <p>8 of Ms. Guzman. But as I said, this has been</p> <p>9 edited.</p> <p>10 Q. OK. But that's not my question,</p> <p>11 Mr. Robinowitz. I asked you a</p> <p>12 straightforward question. And that is, are</p> <p>13 the contents in this document accurate?</p> <p>14 MS. LOVINGER: Objection.</p> <p>15 Have you had -- have you read every</p> <p>16 sentence in the document?</p> <p>17 THE WITNESS: Yes.</p> <p>18 MS. LOVINGER: OK.</p> <p>19 A. Yes, they're accurate.</p> <p>20 Q. I want to direct your attention to</p> <p>21 the first sentence on the page Bates stamped</p> <p>22 NYP301. Can you read that first sentence</p> <p>23 under the header "Work History/Current Role."</p> <p>24 Read it out loud into the record, sir.</p> <p>25 A. "Sandra is responsible for all</p>	<p>1 ROBINOWITZ</p> <p>2 editorial content and production of more than</p> <p>3 25 special sections per year."</p> <p>4 Q. OK. I want you, Mr. -- was that</p> <p>5 accurate at the time?</p> <p>6 MS. LOVINGER: Objection.</p> <p>7 A. Yes, sir.</p> <p>8 Q. I want you now, Mr. Robinowitz, to</p> <p>9 list each and every of the 25 special</p> <p>10 sections per year that Ms. Guzman was</p> <p>11 responsible for as reflected in the</p> <p>12 evaluation you gave her in 2009.</p> <p>13 A. 12 of them would have been Tempo</p> <p>14 sections. These range from the monthly Tempo</p> <p>15 sections to the Post's education and parade</p> <p>16 sections, which I explained to you a minute</p> <p>17 ago.</p> <p>18 Q. Right.</p> <p>19 A. Additionally, she is a frequent</p> <p>20 contributor to other sections of the paper,</p> <p>21 and I --</p> <p>22 Q. OK. I want --</p> <p>23 A. -- want to outline those also. Go</p> <p>24 Green and Harlem Week and Black History</p> <p>25 Month. Those would add up to about 25, I</p>
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<p>1 ROBINOWITZ</p> <p>2 think.</p> <p>3 Q. So when she was terminated, is it</p> <p>4 fair to say that Sandra Guzman was handling</p> <p>5 or editing at least 25 sections of the New</p> <p>6 York Post?</p> <p>7 MS. LOVINGER: Objection.</p> <p>8 Q. Per year?</p> <p>9 A. No. At that time, Tempo had been</p> <p>10 terminated. So virtually half --</p> <p>11 Q. OK.</p> <p>12 A. -- of the sections --</p> <p>13 MS. LOVINGER: He is still</p> <p>14 answering.</p> <p>15 A. Virtually half of the sections were</p> <p>16 canceled.</p> <p>17 Q. Ms. Guzman was terminated in</p> <p>18 September of 2009, correct?</p> <p>19 A. I believe that's correct.</p> <p>20 Q. And this evaluation was given to</p> <p>21 her in July of 2009, correct?</p> <p>22 A. July the 8th, yes, sir.</p> <p>23 Q. In July of 2009, she was</p> <p>24 responsible for at least 25 sections per year</p> <p>25 at the New York Post, right?</p>	<p>1 ROBINOWITZ</p> <p>2 A. Correct.</p> <p>3 Q. Who made the decision to terminate</p> <p>4 Ms. Guzman's employment?</p> <p>5 A. I have no idea.</p> <p>6 Q. How did you learn that her</p> <p>7 employment was going to be terminated?</p> <p>8 A. Someone told me. I cannot recall</p> <p>9 who that someone was.</p> <p>10 Q. Was it a male or female who told</p> <p>11 you that Sandra Guzman's employment was going</p> <p>12 to be terminated?</p> <p>13 A. I cannot recall.</p> <p>14 Q. Where were you, Mr. Robinowitz,</p> <p>15 when you first learned that Sandra Guzman's</p> <p>16 employment was going to be terminated?</p> <p>17 MS. LOVINGER: Objection.</p> <p>18 A. What do you mean where was I?</p> <p>19 Q. Well, I will ask it differently.</p> <p>20 The person -- did the person who</p> <p>21 told you that Ms. Guzman's employment was</p> <p>22 going to be terminated tell you face-to-face</p> <p>23 or over the telephone?</p> <p>24 MS. LOVINGER: Objection.</p> <p>25 A. I don't recall.</p>

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sections."

Why did you say she was a versatile and highly creative editorial manager?

MS. LOVINGER: Objection.

A. Because her sections were very well done. When she presented me with her sections, they were top quality.

Q. You go on in that paragraph to say that "she was a founding editor of the monthly Tempo section and has brought in her portfolio in the past year by assuming editorial management responsibilities for a wide range of additional Post products."

I want you to identify which wide-range additional Post products that Ms. Guzman brought in her portfolio to include.

A. Those are the ones --

MS. LOVINGER: Objection.

THE WITNESS: I am sorry.

A. Those are the ones I spelled out for you earlier, the education sections, and the parade sections. The Harlem Week and Black History Month, and the Go Green, what I

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entitled "overall achievements," you wrote, "In the past year, Sandra has taken on a truly diverse new set of assignments."

A. Yes, correct.

MS. LOVINGER: Is there a question?

Q. What new -- what diverse new set of assignments did she take on?

A. Those sections that we have already discussed, the education sections, the parade sections.

Q. Right.

A. The Black History Month section, the Harlem Week section, the Go Green section.

Q. OK. I want to direct your attention to the page that contains a rating that's actually Bates stamped SG75. What rating did you give Ms. Guzman for 2008?

A. On this document?

Q. Yes.

A. A 3.

Q. And 3 reflected what?

A. Occasionally exceeds standards.

Q. So would you agree, Mr. Robinowitz,

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thought it was called. It is the same as Cool Change.

Q. So you considered those sections to represent a wide range of additional Post products?

A. Right.

Q. You go on in that paragraph to say that Ms. Guzman, quote, that "she is a keen observer and an outstanding judge of editorial talent."

Why did you say that?

A. Because I thought that she did a good job in picking those sections up, in developing writers and photographers, particularly freelance ones, to provide the editorial content for the sections.

Now, in many cases, those would have been the same writers and photographers that the earlier manager of those sections used, and that was Carole Sovocool.

Q. Carole Sovocool?

A. Yeah. She previously had edited all these sections.

Q. OK. And the next paragraph that's

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the evaluation you gave Ms. Guzman for 2008 reflected that she was doing above satisfactory work for you?

A. Yes, sir.

MS. LOVINGER: Objection.

Q. In fact, the rating for satisfactory work is actually a 4, right?

MS. LOVINGER: Objection. I don't see any rating on this exhibit for satisfactory work.

Q. Do you understand my question, Mr. Robinowitz?

A. The rating of a 4 is consistently meets standards.

Q. OK. So what you were saying when you gave Ms. Guzman a 3 in 2008, was that she exceeded the standards more than on a consistent basis, correct?

A. Occasion --

MS. LOVINGER: Objection.

A. She occasionally exceeded the standards.

Q. Did you speak to Col Allan about the evaluation, the rating that you were

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Q. Why didn't you consider that write-up?

A. What I -- you know, my judgment is typically based on the work that's put before me to see. I usually don't think about other characteristics. And in fact, I made the same mistake this year.

Q. Is it fair to say that you didn't include anything about the write-up that Ms. Guzman received in January of 2009 in this draft appraisal because you didn't think it was important?

MS. LOVINGER: Objection.

A. I thought it was important in January. But by the time I came to doing the appraisal, I didn't give it any thought. Someone else on the committee, and I can't remember who, did, and when they said that, I certainly didn't object, and everybody else was in agreement as well.

Q. Well, who was -- was it a male or female who raised this so-called ethical breach by Ms. Guzman during the meeting?

A. I can't remember who it was. I

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putting my APA together.

Q. What else did you say about Sandra Guzman's 2009 evaluation in that meeting other than agreeing that the alleged ethical breach should have been taken into consideration?

A. That was --

MS. LOVINGER: Objection.

A. That was all I could -- I can recall. My sense is, we moved on to the next employee. These go very quickly. They go maybe five minutes a person.

Q. Did you go over the substance of what you wrote about Ms. Guzman in that meeting?

A. Oh, certainly, certainly. That's what --

Q. So tell us what you said. Describe what you said in that meeting about Ms. Guzman's work performance as reflected in the draft evaluation that's before you.

A. Well, each person in the room has this. So, you know, I didn't feel it was necessary to actually read the whole

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can't --

Q. Well, in substance, what did that person say about this ethical breach?

A. They said that we needed to revise her APA to point out that she needed to adhere to the highest business standards of our company, and that because she was written up for that ethical violation, that needed to be reinforced as well by reducing the grade from a 4 to a 3.

Q. Did other people in that meeting also make comments about this alleged ethical breach?

MS. LOVINGER: Objection.

A. I don't recall anyone else making a comment. But I remember there was concurrence on that, from those in the room, and I realized I should have considered it when I did my write-up, too.

Q. Did you say anything in response to the person who raised this ethical issue regarding Sandra Guzman?

A. Don't recall, other than agreeing that I should have considered that when I was

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document. But I highlighted a few things.

Q. What parts did you highlight about Ms. Guzman's work performance for 2009?

A. I can't recall. That she did great work on the sections that she produced for us.

Q. Did you take any notes on this document?

A. No.

Q. Did anyone take any notes who were in that meeting on this document?

MS. LOVINGER: Objection.

A. I do not know.

Q. Did Col Allan make any comments about Ms. Guzman's evaluation or --

A. I don't recall.

Q. Did he make any comments about her work performance?

MS. LOVINGER: Objection.

A. I don't recall.

Q. How long did you and the others in this meeting talk about Ms. Guzman's 2009 evaluation?

MS. LOVINGER: Objection. I think